

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Cynthia M. Jackson,)	
)	
Plaintiff,)	C/A No. 8:06-1760-GRA-WMC
)	
vs.)	
)	
Morningside Assisted Living;)	
Karen Bowman; and Dawn Anderson,)	
)	<u>ORDER</u>
Defendants.)	
_____)	

This matter is before the Court for a review of the magistrate's Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1)(A) and Local Rule 73.02(B)(2)(g), D.S.C., and filed July 24, 2006. Plaintiff brings this action alleging that her employer, Defendant Morningside Assisted Living ("Morningside"), discriminated against her because of her race in violation of Title VII of the Civil Rights Act of 1964. 42 U.S.C. § 2000e, *et seq.* In addition to her employer, Morningside, Plaintiff has also named Karen Bowman ("Bowman"), identified as the Chief Executive Officer of Morningside, and Dawn Anderson ("Anderson"), identified as the nurse supervisor at Morningside, as additional and individual defendants in this action.

Defendants Bowman and Anderson moved to dismiss pursuant to Rules 12(b)(5) and 12(b)(6) of the Federal Rules of Civil Procedure on July 17, 2006. The magistrate recommends granting the motion and dismissing Defendants Bowman and Anderson from this action as supervisors cannot be held individually liable in civil suits under Title

VII. See *Lissau v. Southern Food Services, Inc.*, 159 F.3d 177, 180-81 (4th Cir. 1998).

The magistrate makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Matthews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject or modify, in whole or in part, the recommendation of the magistrate, or recommit the matter to him with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th Cir. 1983). Plaintiff filed no objections to the Report and Recommendation.

After a review of the magistrate's Report and Recommendation, this Court finds that the report is based upon the proper law and substantial evidence exists to support the factual findings. Accordingly, the Report and Recommendation is accepted and adopted in its entirety.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of the magistrate is accepted and adopted as the Order of this Court.

IT IS FURTHER ORDERED that the motion to dismiss be GRANTED and Defendants Bowman and Anderson be dismissed.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

August 23, 2006

Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff has the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, will waive the right to appeal.